

Comments – Department of Transportation

Comments on C.3 Provision Changes (Options for Municipal Regional Permit for New and Redevelopment Performance Standards)

No.	Document/BMP Practices	Text in Question (Options on MRP)	Comment
1	C.3.a: Performance Standard Implementation	b. (C.3.b.) Adequate permitting procedures and conditions of approval. For projects discharging directly to 303(d) listed water bodies, conditions of approval must require that post-project runoff does not exceed pre-project levels for such pollutants that are listed;	<p>The condition of imposing no increase to pre-project levels for listed pollutants is unclear and may be difficult to regulate. At what point are the pre and post project level comparisons being evaluated – at the receiving waters or at the project site? Imposing this condition requires baseline water quality monitoring (information on baseline pre/project levels may not be available) as well as post-project monitoring in order to make a correct comparison.</p> <p>In particular, this approach will be difficult to implement for ubiquitous pollutants such as sediment and bacteria.</p> <p>How is this envisioned to be tracked and documented?</p>
2	C.3.a: Performance Standard Implementation	g. (C.3.j.) Adequate site design standards and guidance that call for minimizing land disturbance and impervious surfaces (especially parking lots); clustering of structures and pavement; disconnecting roof downspouts; use of microdetention, including landscape detention; preservation of high-quality open space; maintenance and/or restoration of riparian areas and wetlands as project amenities;	<p>What site design standards and guidance are applicable for parking lots? Minimization of impervious surfaces for parking lots is a challenge since parking lots typically consist of a paved surface and standardized parking stall sizes.</p>
3	C.3.c: Applicable Projects – New and Redevelopment Project Categories	Encourage exploration of varied methods of increasing infiltration: Permittees have the choice of lowering the threshold to 5000 square feet or adopting one or more measures ³ that will substantially increase treatment and infiltration. Permittees that have already adopted such measures during the current/previous permit period do not need to take further steps. (NGO)	<p>Consideration must be made of the limitations and applicability of infiltration due to soil conditions and other subsurface factors.</p>
4	C.3.c: Applicable Projects – New and Redevelopment Project Categories	3. Evaluate existing impervious surface data and determine during MRP permit development whether the threshold should be reduced to 1000-5000 sq.ft. If so, set a time schedule for implementation of this new threshold in the 3rd year of the permit term. Have all dischargers collect and submit impervious data for the first two years of the permit term. Based on the data, WB will determine whether the threshold should be adjusted up or down. Require Dischargers to develop standard specifications for lot-	<p>It is unclear how impervious data collected will be used. It is also unclear what methodology/analysis will be done to determine the justification for estimating a lower threshold. Please describe methodology.</p>

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		scale treatment measures (e.g., for roof runoff and paved areas) within the first 3 years of the permit term. (WB)	
5	C.3.c: Applicable Projects – New and Redevelopment Project Categories	4. Lower the threshold at the beginning of the permit to 500 sf (NGO)	It appears excessive to report down to the single family dwelling.
6	Footnote No. 3	3. Ban impermeable surfacing of parking strips and medians. Create strong positive incentives for such things as rain gardens, depressed planting strips and medians (esplanades), or curb extensions with permeable surfacing.	The term “ban” is too restrictive; “consideration” is more appropriate since flexibility is needed to address other conditions, such as safety, maintenance, protection of utilities, etc.
7	Footnote 7	7. In built-out areas, retrofit some significant number of storm drains (volume of storm water) emptying to creeks, lakes, or the Bay, and/or restore or create buffers for some appropriate length of shoreline.	How is effectiveness of treatment assessed? Also, since retrofit BMPS are difficult to place, does this requirement refer to offsite mitigation?
8	C.3.d: Numeric Sizing Criteria for Pollutant Removal Treatment Systems	<p>Incorporate the following changes in the first paragraph of Provision C.3.d. to allow a combined flow/volume criterion and further clarify link between treatment and site design/hydrologic source control measures (additions shown in bold): “All Dischargers shall require that treatment measures, or measures to disperse and infiltrate runoff from impervious areas, be constructed for applicable projects, as defined in Provision C.3.c, that incorporate, at a minimum, the following hydraulic sizing design criteria or equivalent criteria to achieve treatment of 80% of total runoff over the life of the project. As appropriate for each criterion, the Dischargers shall use or appropriately analyze local rainfall data to be used for that criterion.” (BASMAA)</p> <p>WB is considering Option 1 with possible requirement for continuous simulation modeling.</p>	Why is there a need to change the criteria to 80% runoff over the life of the project? The current methodology defined in the CASQA Handbook is adequate and appropriate, and would result in equivalent facilities with less complicated calculations. Be aware that the 85 th percentile runoff capture ratio currently used is also described in Chapter 5 of the <i>Urban Runoff Management WEF Manual of Practice</i> No. 23, 1998 (WEF and ASCE, 1998).
9	C.3.e: Operation and Maintenance of Treatment Measures	2. Change current language to specify minimum contents of BMP O&M program, priorities for inspection and frequency of inspection, reporting requirements, and vector control agency coordination. Intend to specify that a minimum percentage (20%) of the total number of facilities must be inspected per year and a minimum percentage of the total facilities using vault systems must be inspected. (WB)	Unless this is a self-audit requirement, the provision appears to create an unnecessary expense. BMP maintenance intervals should be, and in reality are, site specific (see Caltrans BMP Pilot study O&M http://www.caltrans.ca.gov/hq/env/stormwater/special/news_etup/_pdfs/new_technology/CTSW-RT-01-050.pdf).

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10	C.3.f: Limitations on Increase of Peak Stormwater Runoff Discharge Rates	<p>a. Retain the existing basic "rules" in C.3.f:</p> <ul style="list-style-type: none"> • Threshold is one acre of new/replaced impervious area⁴ (i.e. Group 1 projects). • Standard is no increase in from existing (pre-project) site condition, where such increases would cause increased erosion or other impacts to beneficial uses of receiving streams. <p>Each Program should be allowed to implement its respective HMP as long as there is "a level playing field" throughout the Region in terms of standards and applicability.</p> <p>Footnote 4, above. Under C.3.f. in current permits, the area of impervious surface created and/or replaced is used to determine if the project is a Group 1 project. If so, then there is a determination if there is an increase in peak flow, volume or duration that needs to be mitigated. That is, if all of the impervious surface was replacement of what was there before, then no hydromodification controls are needed (just treatment). If some of the impervious surface was created, then there is an increase in peak flow, volume or duration, so hydromodification for the increased flows must be addressed.</p>	<p>It is virtually impossible, in the absence of complete infiltration, to have no increase in all factors: runoff peaks, volumes or durations. In fact, in some cases runoff duration may not be detrimental but rather potentially beneficial.</p> <p>Delete parenthetical, "(just treatment)," from footnote #4.</p>
11	C.3.f: Limitations on Increase of Peak Stormwater Runoff Discharge Rates	<p>2. NGO A</p> <p>Retain existing basic "rules" in Santa Clara C.3.f with changes to begin to reduce existing extreme flows through redevelopment requirements:</p> <ul style="list-style-type: none"> • Use the applicable Group 1 or 2 thresholds of each existing permit for the area covered by that permit. • No requirements for channels hardened all the way to the Bay, or streams whose dry-weather elevation is mean higher high tide or lower, unless such increases would cause impacts to beneficial uses of receiving streams, including impacts on anadromous or special-status species, or would increase flooding that endangers property or life. • The general standard for new development is no increase in runoff peaks, volumes, or durations from existing (pre-project) site condition, where such increases would cause increased erosion or other impacts to beneficial uses of receiving streams. • For projects redeveloping impermeable surface areas greater than 50% of the threshold, phase in requirements that significantly reduce runoff peaks, volumes, and/or durations from existing (pre-project) site condition. Allow variation among local programs to achieve this goal. Exceptions for impracticability apply, as spelled out in Alternative Compliance. • Require one 	<p>Suggest "engineered" rather than "hardened". Some highly modified channels intended to facilitate increased flows may not be hardened.</p> <p>Bullet#4 (For projects redeveloping impermeable surface areas greater than 50% ...): <i>Same comment as made in item #10 above:</i> It is virtually impossible, in the absence of complete infiltration, to have no increase in all factors: runoff peaks, volumes or durations.</p> <p>One significant issue related to the application and effectiveness of the HMP programs is the selection of the allowable low flow (Q_{cp} or 0.1Q₂). The low flow calculation is significant to the required basin size and the basin drain time. Issues related to loss rate or Rational Method C-value selection, the time of concentration and the rainfall</p>

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			<p>and calculation interval can be significant and may not result in consistent requirements related to stream erosion potential.</p> <p>For example:</p> <p>Consider two sites, a 10 acre site on one side of the creek and a 100 acre site on the other side. If the time of concentration for the 10 acre site is 10 minutes and the time of concentration for the 100 acre site is 30 minutes, the two year rainfall intensity for the 10 acre site could be nearly double that for the 100 acre site (based on SCVWD intensity procedures). Therefore, on a per unit acre development basis, the 10 acre site could be allowed nearly twice the low flow release rate, though the impact of each acre would be the same on the creek.</p> <p>One major complication for surface detention is the ability to drain the storage within an acceptable duration. Requiring too low of Qcp can conflict with vector control requirements.</p> <p>Because of the various issues, it may not be possible to have consistent application of requirements based on each development using long duration simulation. A more practical approach would be to have studies done to identify areas of hydrologic similarity relative to stream impact and have detention and release requirements based on the percent impervious of the tributary area for the hydrologically similar area.</p>
12	C.3.f: Limitations on Increase of Peak Stormwater Runoff Discharge Rates	<p>UU4. NGO B. Focus on maintaining moderate flows in less developed areas; largely exempt built-out areas.</p> <ul style="list-style-type: none"> • Projects discharging to headwaters, [insert grade or other definition] including all catchments with less than 25% impermeable surface, regardless of grade: All new and redevelopment projects, of any size, shall implement HM controls. Redevelopment projects of some workable size – say 5000 square feet -- decrease impervious surface by 25% or implement HM controls that reduce post-project flows as in WB Option B (phase in requirements for reduction) for the redeveloped area. Those projects with up to 5000 sq.ft. impervious surface may use sizing charts for HM controls. Larger projects shall use continuous simulation model. 	<p>Disagree. Rather than requiring mandatory provisions, the specific receiving channel condition should be assessed. Will the creek ever be restored? Is it physically possible with ROW constraints? The Los Angeles River is a prime example. If the proposal is implemented, it will not be predicated on all upstream development doing HMP mitigation, rather it would be a new-engineered section for current hydrology. For most existing systems, this may make the most sense, rather than trying to revert to pre-urban hydrology. In any case, the correct decision requires a master plan study.</p>

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		<p>Implement in 1year.</p> <ul style="list-style-type: none"> • Projects discharging to transition zone, [insert grade or other definition] including all catchments with 25% - 70% impermeable surface, regardless of grade ... • Projects discharging to flat or built-out zone, defined as including tidally influenced reaches of streams (dry-weather water elevation at or below mean higher high tide) ... 	
13	C.3.g: Alternative Compliance Based on Impracticability of Requiring Compensatory Mitigation	<p>2. (NGO): Simplify the requirements and allow for variation among local programs while retaining a preference for on-site or nearby treatment See attached flow chart. Under this option, no special treatment for brownfields, low-income, transit villages, etc: related C3.f NGO Option B largely exempts highly urbanized catchments where most of these occur.</p>	<p>There should be some deference for Transit Oriented Development. These types of developments cut back on pollution, and that should be acknowledged and encouraged.</p> <p>It was our understanding that the State Water Resources Control Board (and Regional Boards) will be looking holistically at projects based on the joint workshop with the Air Resources Board held on Feb. 9, 2006. A project undergoing review by an AQMD should receive credit for benefits to water quality. Similarly, projects under review by the Regional Boards should receive credit for benefits to other environmental media.</p>
14	C.3.h: Alternative Certification of Adherence to Design Criteria for Stormwater Treatment Measures	<p>Keep current language which requires that in lieu of conducting detailed review to verify the adequacy of measures required pursuant to Provisions C.3.d, a Discharger may elect to accept a signed certification from a Civil Engineer or a Licensed Architect or Landscape Architect registered in the State of California, or another Discharger that has overlapping jurisdictional project permitting authority, that the plan meets the criteria established herein (all agree).</p>	<p>We disagree with these restrictions: it s not appropriate to develop a list of qualified engineering firms or to place limitations on which specific professional classifications can provide certifications. It would be acceptable to reference simply “an appropriate licensed professional.”</p>
15	Last page, footnote	<p>i Group 1 Project exemptions include:</p> <ul style="list-style-type: none"> • Sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features that are part of a street, road, highway or freeway project. 	<p>Delete “highway or freeway” unless such facilities are under the jurisdiction of the permittees. The MRP will not address these facilities.</p>